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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,017	07/31/2003	Olaf Abels	71084	9343
23872	7590	06/28/2005		
MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227			EXAMINER GARCIA, ERNESTO	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,017

Applicant(s)

ABELS ET AL.

Examiner

Ernesto Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 6-8, 11, 13, 16, 18, 19, 21 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 9, 10, 12, 14, 17, 20 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The indicated allowability of claim 15, now claim 1, is withdrawn in view of reference to Yao, Japanese patent, JP-2-199,317. Rejections based on the cited reference follow.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election

Claims 2-4, 6-8, 11, 13, 16, 18, 19, 21 and 22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/23/04.

Claim Rejections - 35 USC § 102

Claims 1, 5, 9, 10, 12, 14, 17, 20, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Yao, JP-2-199317 (see marked-up attachment).

Regarding claim 1, Yao, discloses, in Figures 1, 3 and 4, a ball-and-socket joint comprising a housing **6**, a bearing shell **5**, a ball pivot **2**, a sealing bellows **8**, a ball race

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13, and a sliding ring **A1**. The bearing shell **5** is inserted into the housing **6**. The ball pivot **2** with a joint ball **4** is pivotally mounted in all directions in the bearing shell **5**. The sealing bellows **8** is between the housing **6** and the ball pivot **2**. The sealing bellows **8** has a pivot-side edge area **23**. The ball race **13** is fixed on the ball pivot **2**. The sliding ring **A1** receives the pivot-side edge area **23** of the sealing bellows **8**. The sliding ring **A1** is mounted to slide in the ball race **13** and has a sliding face **A9** facing the joint ball **4** arranged adjacent to the ball race **13**. The ball race **13** has a leg **15** in contact with the sliding ring **A1**. The leg **15** comprising lugs **28** (Fig. 4) arranged at spaced locations from one another.

Regarding claim 5, the sliding ring **A1** includes an axial extension **14** and a radial extension **16**.

Regarding claim 9, the ball race **13** has an approximately U-shaped cross section.

Regarding claim 10, the sealing bellows **8** has a surface **A100** slidingly in contact with a surface **A20** of the ball race **13**.

Regarding claim 12, the surface **A100** of the sealing bellows **8** forms a labyrinth seal together with the surface **A20** of the ball race **13**.

Regarding claim 14, the sliding ring **A1** is a shaped sheet metal part or a plastic molding. The sliding ring **A1** receives and holds a portion of the sealing bellows **8** between the axial extension **14** and the radial extension **16**. The axial extension **14** and the radial extension **16** are substantially perpendicular to each other. The ball race **13** is fixed to the ball pivot **2**.

Regarding claim 17, the pivot-side edge area **23** of the sealing bellows **8** forms a thickened material bead pressed against the ball race **13** or the sliding ring **A1** with an elastic pretension.

Regarding claim 20, the sliding ring **A1** has an approximately L-shaped cross section.

Regarding claim 23, the sliding ring **A1** is vulcanized directly to the pivot-side edge area **23** of the sealing bellows **8**.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30-5:30. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E.G.

June 21, 2005

Attachment: one marked-up page of Yao, JP-2-199,317.

Aaron Dunnwoody
Art Unit 3629


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Yao, JP-2-199,317.

